

### **REMARKS**

Applicants thank the Examiner for the thorough consideration given the present application. Claims 2, 4-8, and 10-19 are currently being prosecuted. The Examiner is respectfully requested to reconsider his rejections in view of the amendments and remarks as set forth below.

#### **Rejection under 35 U.S.C. § 112**

Claims 4, 6, 8 and 15 have been rejected under 35 U.S.C. § 112 second paragraph as being indefinite. The Examiner points out various phrases such as “especially”, “or such like” and “and/or”. By way of the present Amendment, Applicants have removed these claims rendering this rejection moot. Reconsideration and withdrawal of this rejection are respectfully requested.

#### **Rejection under 35 U.S.C. § 103**

Claims 2, 4-8 and 10-16 stand rejected under 35 U.S.C. 103 as being obvious over Blades et al. (U.S. Patent No. 5,709,099). This rejection is respectfully traversed.

The Examiner states that Blades shows a spatial structure with common walls and a ceiling arranged for leisure including several separate spaces having different uses, the individual rooms having outer walls, and connected to a main common wall with different regulated climates, one of the climates being a Nordic type climate. The Examiner admits that Blades does not show the use of rooms which are capable of simultaneously maintaining a different temperature than that of the Nordic like ice area. The Examiner feels it would have been obvious to include restrooms, eating facilities and utility rooms within the building as these rooms are commonly found within such a structure. Such rooms would be apparently kept at temperatures considered comfortable.

Applicants submit that claim 4 as presently presented is not obvious over this reference. Applicants submit that while Blades teaches that an ice rink structure would include a low

temperature area and that the building could inherently contain rooms at a higher temperature, there is no actual disclosure in Blades of simultaneously maintaining different climates within a structure, certainly not such different climates that would represent different geographical related climatological conditions as in the presently claimed invention. Blade shows an arrangement including facilities for a tank for retaining an amount of fluid but for (which for swimming purposes would be water.) However, the water in the tank would be frozen or heated so that the tank itself would be converted from an ice rink to a swimming pool and vice versa. However, there is no simultaneous appearance of both the ice rink and the swimming pool and further, the tank as such can not be considered a separate space mimicking a climatological condition since a deep sea condition is not considered "climatological". Further, no co-existence of different climatological conditions appear in any multitude of separate spaces arranged within the common surrounding interior space.

Applicants agree with the Examiner that the ice rink must provide a temperature low enough to freeze ice. The Examiner further argues that such an ice rink inherently contains rooms at a higher temperature. In the case when the tank is used as a swimming pool, this is clearly not necessarily the case. The reference indicates in Figure 8 that the pool is enclosed by a conventional building, but the reference does not even suggest that the infrastructure would be located within the same building. The reference further does not suggest that there would exist a multitude of confined spaces within the same building with different geographically related climatological conditions. The citation further fails to indicate that such confined spaces would be located within the same unitary interior space.

Further, to the extent that Blades is correct that some space nevertheless be interpreted to include a "general domestic climate" suitable for bathrooms and eating, such climatological conditions would only represent one single geographically related condition. This would represent one and only one type of climatological condition. Thus, there would be no further space arranged as an at least partially closed space within a common unitary interior space for different climates. The only space presenting any different type of climate is actually the ice rink. Even if one considers that Blades could be interpreted as having both a cold space and a

space at normal room temperature, there still would be only two different spaces in Blades, the cold space and a warmer space. However, the present invention defines at least one unitary interior space and several at least partially closed separate spaces adapted for performing the activities. Thus, Blades could at most be interpreted so that it discloses not more than two different kinds of spaces, a cold interior space as well as a warmer space. On the other hand the present invention clearly requires at least three spaces, at least one unitary space and additionally at least two separate spaces located within the unitary space.

The Examiner also argues that climate controlled sections could be found in buildings and temperature changes in a plurality of rooms is not new in the art. However, the present invention does not claim climate control or temperature regulation as such, but rather an arrangement of a multitude of separate spaces within one common unitary interior space and regulating the climate in various ones of the separate spaces to mimic different geographic conditions. Although temperature is an important factor related to any geographic climatological condition, a mere raising and lowering of the temperature in the room does not induce the impression of a different geographic climate. Thus, a mere temperature control is not sufficient in order to present a different climate to a spectator which can be seen, felt and experienced. The prior art structure of Blades is not capable of performing the intended use as defined in the present invention. Since the present invention claims a simultaneous presentation of several different climatological conditions, a mere provision for summer activities would not be sufficient in order to achieve the present invention.

Applicants have modified the claims to emphasize these features of the invention. Some of claim 4 now makes it clearer that structures have one or more unitary interior spaces having at least one common outer wall and a common roof and several separate spaces and the climate in each separate space is individually regulated to mimic different geographically related climatological conditions. Applicants submit that claim 4 as amended is not obvious over Blades. Claims 2, 5-8 and 13-19 depend from claim 4 and as such are also considered to be allowable. In addition, each of these claims have had other features that make them additionally allowable. However, these dependent claims recite specific features of the various spaces such

as the use for plants and animals, seasonal changes following the rhythm of nature, the use of a water area or pool with ice cover, the use for winter activities or functions including an arctic zoo, a snow church, a snow hotel and a ski slope. Applicants want to submit that these features are likewise not seen in Blades.

Claim 10 is a method claim which responds to claim 4. Applicants submit that this method is similarly allowable as is claim 11 which depends there from. Claim 12 specifically relates to a pool structure having refrigerating machineries to form an artificial ice cover for winter swimming or winter fishing. Applicants submit that this claim is likewise allowable.

Claims 17 and 18 stand rejected under 35 U.S.C. § 103 as being obvious over Blades et al. in view of Petrovich et al. (RU 2,116,097). Claim 19 stands rejected under 35 U.S.C. § 103 as being obvious over Blades et al. in view of Morioka et al. (U.S. Patent No. 5,241,830). These rejections are respectfully traversed.

The Examiner relies on Petrovich to show that there are plants in various areas as well as using a pool. The Examiner relies on Morioka showing a ski slope. However, Applicants submit that even if these secondary references do show these features, these claims remain allowable based under dependency from allowable claim 4.

Conclusion

In view of the above remarks, it is believed that claims clearly distinguish over the patents relied on by the Examiner, either alone or in combination. In view of this, reconsideration of the rejection allowance of all the claims are respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Paul C. Lewis, Reg. No. 43,368, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 

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